

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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<b>GREGORY HOLSTON</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>ROBERT SHANNON, THE DISTRICT</b>	:	<b>NO. 07-5486</b>
<b>ATTORNEY OF THE COUNTY OF</b>	:	
<b>PHILADELPHIA and THE ATTORNEY</b>	:	
<b>GENERAL OF THE STATE OF</b>	:	
<b>PENNSYLVANIA,</b>	:	
	:	
<b>Respondents.</b>	:	
	:	

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**O R D E R**

**AND NOW**, this 17th day of July, 2008, upon consideration of the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 and the record in this case, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated June 23, 2008, no objections having been filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated June 23, 2008, is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus filed by Gregory Holston pursuant to 28 U.S.C. § 2254 is **DENIED WITH PREJUDICE** and **DISMISSED** without an evidentiary hearing; and,
3. A certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or this Court's

procedural rulings with respect to petitioner's claims. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

/s/ Honorable Jan E. DuBois  
JAN E. DUBOIS, J.